GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA

STARRED QUESTION NO:381
ANSWERED ON:29.03.2017
Tricolour Pictures on Products
Ram Shri Janak

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether certain goods like doormats, slippers, etc. having pictures of Indian tricolour printed on them are being sold at e-commerce sites in Canada, Britain, USA and Australia and if so, the details thereof;

(b) whether the Government has not been able to legally ban the sale of the said products in other countries and if so, the reasons therefor;

(c) the steps taken/being taken by the Government to check it; and

(d) whether the Government has taken up the issue with the concerned embassy/high commissions and also issued instructions to the Indian units of the said e-commerce companies to ban the sale of the said products and if so, the details thereof?

Answer

THE MINISTER FOR EXTERNAL AFFAIRS
(SHRIMATI SUSHMA SWARAJ)

(a) to (d) A Statement is laid on the Table of the House.

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STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 381 REGARDING "TRICOLOUR PICTURES ON PRODUCTS" FOR ANSWER ON 29.03.2017

(a) :

â€¢ Yes, it is a fact that certain items like doormats with imprints of the Indian flag had been listed for sale on Amazon's online marketplaces in Canada and the United States of America.

â€¢ Out of the 14 countries where Amazon operates, the products in question were available only on the Amazon marketplaces in Canada and the U.S. The items were listed by third-party vendors on Amazon's marketplace platform.

(b):

â€¢ There is no international treaty/law that legally prohibits the sale of these products in other countries.

â€¢ However, as per Government of India's Emblems and Names (Prevention of Improper Use) Act, 1950, the Prevention of Insults to National Honour Act 1971 (under section 2) as well as the Indian Flag Code of 2002, legal proceedings can be initiated against such e-commerce portals with commercial activities in India.

(c) & (d):

Action taken by MEA and Indian Missions:

â€¢ On 11th January 2017, when the listing of the said products was brought to the attention of Government of India, the matter was immediately taken up by the Ministry of External Affairs with Amazon's India office.

â€¢ Our Embassy in Washington D.C., and our High Commission in Ottawa took up the matter strongly with the senior leadership in Amazon in their respective territories.
â€¢ The matter was escalated to the level of Mr. Jeff Bezos, Chairman & CEO, Amazon.

â€¢ Within 24 hours, the listed products were taken down by Amazon.

â€¢ The Ministry of External Affairs had instructed the leadership of Amazon India to strictly ensure compliance with the Emblems and Names (Prevention of Improper Use) Act, 1950.

Response and Action taken by Amazon:

â€¢ Amazon India in its representation to the Ministry of External Affairs expressed regret on the listing of the said products on the U.S. and Canadian websites of Amazon.

â€¢ Amazon India has conveyed that it is fully committed to respecting Indian laws and customs and has strengthened their in-house compliance units - the Restrictive and Offensive Teams, which monitor products uploaded by third-party vendors on Amazon market platforms.

â€¢ Amazon also carried out a global audit to ensure that such products are not listed on any of its other marketplace websites located in other countries.

â€¢ Amazon has also put in place additional parameters in its compliance software to ensure that third-party vendors while listing items on Amazon marketplaces reveal detailed information on the products. Such information if not in accordance with Amazon's requirements will be automatically rejected.

â€¢ Amazon has also informed that after the recent incident, they have made Government of India's Emblems and Names (Prevention of Improper Use) Act, 1950 and the Indian Flag Code an integral part of the global compliance process in all 14 marketplaces of Amazon.

Other details:

â€¢ All e-commerce platforms operating in India (including that of Amazon) are required to adhere to the Emblems and Names (Prevention of Improper Use) Act, 1950.

â€¢ The case of sale of doormats and slippers etc., bearing the images of Indian tricolour on e-commerce sites was confined only to e-commerce platforms in Canada and the United States of America.

â€¢ Section 3 of the Emblems and Names (Prevention of Improper Use) Act, 1950 prohibits improper use of certain emblems and names including the Indian national flag, the name and pictorial representation of Mahatma Gandhi etc., for the purpose of trade, business, calling or profession, or in the title of any patent, or in any trademark or design, any name or emblem specified in the Schedule of the Act or any colourable imitation thereof without the previous permission of the central government or of such officer of government as may be authorized in this behalf by the central government.

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